



Ethics for Alaska's Executive Branch

Jonathan Woodman

jonathan.woodman@alaska.gov

269-5210

Ethics -

Will you make
the right call?



Before we get started...

The Ethics Act applies to all public officers.

- Who is considered a public officer?
 - All executive branch employees
 - Members of statutory boards and commissions
 - YOU
- Who is your Designated Ethics Supervisor?
 - Chair for members
 - Guy Bell, Administrative Services Director, Office of the Governor, for the chair



Why Discuss Ethics?

- State service involves the public trust.
- State assets belong to the citizens.
- The public demands accountability.
- Unethical decisions damage the reputation of the State, its officers, and its people.
- Ethical lapses are costly.

Attitudes About Ethics

We believe...

- We are highly ethical.
- Others think we are ethical.
- Others aren't as ethical as they should be.



Common Rationalizations



Being Ethical: What it Takes

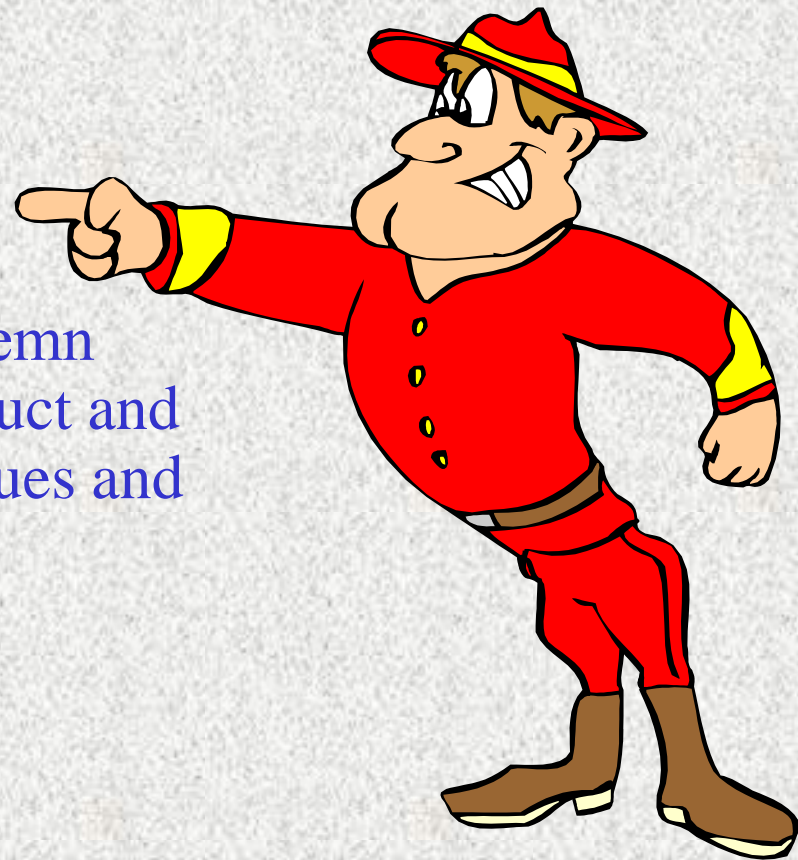
- Understand the rules
- Remember the public nature of your position
- Have strength of character
- Think about ethics
- Take action

“Leadership is about ethics,
integrity and morality.
Competence is important but without
character, competence is nothing.”

Gen. Norman Schwarzkopf
It Takes a Hero

The Basic Rules

“all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates” AS 39.52.010.



Important Definitions

- The Ethics Act addresses your interests, and those of “**immediate family members:**”
 - your spouse
 - your children
 - a parent, sibling, grandparent
 - an aunt, uncle, niece or nephew
 - a parent or sibling of your spouse
 - a person cohabiting with you in a conjugal relationship



Important Definitions (cont.)

“Personal Interest”

An interest held or involvement by you or an immediate family member in an organization, including membership, from which a person or organization receives a benefit.



“Financial Interest”

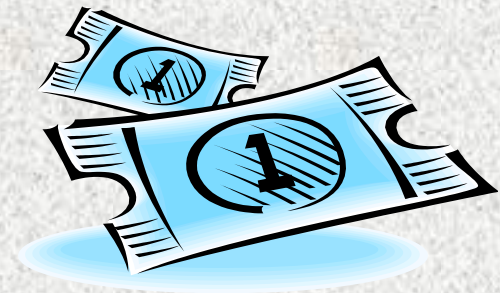
(1) An interest held by you or an immediate family member, including involvement in or ownership of a business or property or a professional or private relationship, that is a source of income or from which a person receives a financial benefit;

(2) A position in a business, such as officer, director, trustee, partner, employee, or similar management position.

Two More Important Definitions

“Benefit”

Anything that is to a person’s advantage or self interest, or from which a person profits, regardless of the financial gain.



“Official Action”

Advice, participation, or assistance:
includes a recommendation, decision,
approval, disapproval, vote, or other similar
action, including inaction.

Misuse of Official Position

You may not:

- use your state position for personal gain.
- give an unwarranted benefit or treatment to any person.

It is improper to:



- Use your position to secure employment or contracts
- Accept compensation from others for performing your duties
- Use state time, equipment, property or facilities for your own benefit or partisan political purposes
- Take action on a matter to benefit your personal or financial interest
- Coerce subordinates for your personal or financial benefit

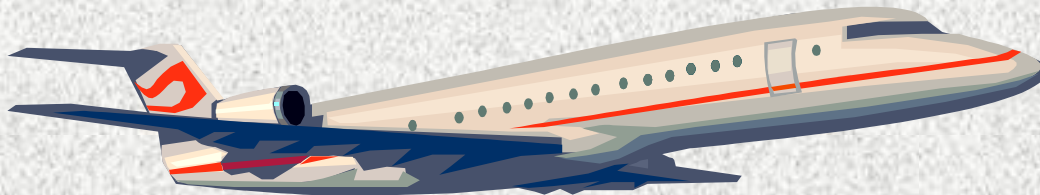
MISUSE OF OFFICIAL POSITION (cont.)

Political Activity Prohibited

- A public officer, other than the governor or lieutenant governor, **must take approved leave** to engage in political campaign activities during the work day.
- A public officer **may not use** or authorize the use of **state funds, facilities, equipment, services, or other assets or resources** for partisan political purposes.

Exceptions:

- Use of governor's residence for meetings to discuss political strategy.
- Use of residence communications equipment if no charge to the state.
- Limited incidental use of the state aircraft with actual cost reimbursed.



Improper Gifts

- You may not solicit or accept a gift if it could reasonably be inferred that the gift is intended to influence your action or judgment.
- All gifts from lobbyists are presumed to be improper, unless the giver is your immediate family member.
- “Gift” is defined broadly to include presents, entertainment, travel, money, services, etc.





Reporting Gifts

- You must report gifts worth more than \$150 given to you or your family to your designated ethics supervisor within 30 days, if –
 - You may take or withhold official action affecting the giver; or
 - Gift is connected to your governmental status.
- You must report gifts received from another government to the Office of the Governor within 60 days.

(Use the gift disclosure forms.)



Improper Use or Disclosure of Information



- You may not use or disclose information acquired through your official duties if doing so would benefit you or an immediate family member, unless the information has already been publicly disseminated.
- You may not disclose confidential information, unless authorized.

Improper Influence in Grants, Contracts, Leases, or Loans

- Neither you nor an immediate family member may have an interest in a state contract, grant, lease, or loan if you may play a role in the award or administration.



- You must **report** any interest in a state contract, grant, lease, or loan awarded or administered by your agency.*

(*see contracts, leases, grants, and loans notification form).

Improper Representation

Basic Rule: You may not represent, advise, or assist someone on a matter pending before your administrative unit.

- For compensation, or
- If your assistance will benefit your personal or financial interests.



Exception: A non-salaried board or commission member may represent, advise, or assist in a matter in which the member has a personal or financial interest regulated by the member's own board or commission.

****But the member must properly disclose that interest and abstain from all deliberation, voting, and other official action in the matter.**

Restrictions on Employment After Leaving State Service

For **two years** after leaving –

You may not work for another person for compensation on any matter in which you personally and substantially participated while serving as a state officer.

“Matter” includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measures, or proposal, consideration, or adoption of an administrative regulation.

- * The prohibition does not prevent a contract directly with the state.
- * Seek advice from the attorney general if uncertain.



Restrictions on Lobbying After Leaving Executive Branch Service

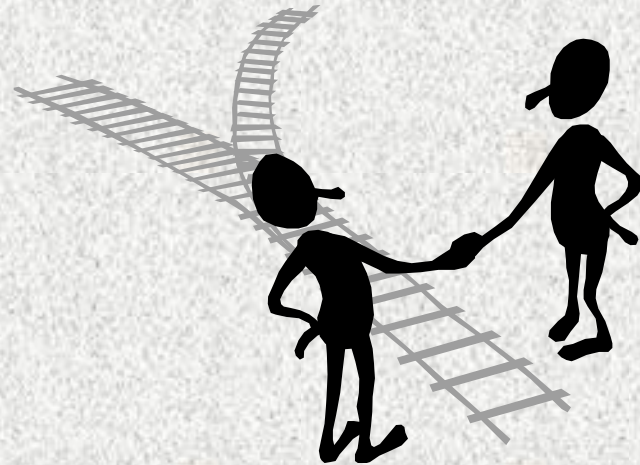
Certain executive branch public officers are barred from activity as a “lobbyist” for one year:



- Governor and Lieutenant Governor
- Head of an executive branch department
- Deputy head of an executive branch department
- Director of a division within an executive branch department
- Legislative liaison within an executive branch department
- Legislative liaison, administrative assistant or other employee in policy-making position in the Office of the Governor or Office of the Lieutenant Governor
- Member of a board or commission having regulation-adoption authority, other than those covered by the centralized licensing provisions of AS 08.01
- Member of the governing board and executive officer of state public corporations

Aiding a Violation Prohibited

- Aiding another public officer to violate the ethics rules is also prohibited.



Do You Have A Conflict?

The answer is YES, if

- the situation is one where your regard for one duty will lead you to disregard another duty.
- the matter requires you to serve two masters in a way that will potentially wrong or cause a disservice to one.
- by your action, you promote your private interest to the detriment of the public interest.

But, under the Ethics Act, not every apparent conflict will require that you refrain from participation.



The Procedures

Declaration of Potential Violation

(Disclosing a Conflict of Interest)

If you have a conflict of interest or believe your participation may violate the Ethics Act, you must:

- Disclose on the public record at your board meeting
- The Chair, as designated ethics supervisor, or the whole board, will determine your participation.
- You must comply with the determination.



Disclose **BEFORE** taking action.

Members of the public may also report potential violations.

Complaints



The Ethics Act also provides procedures for filing complaints alleging violations of the Act.

A complaint must be in **writing**, be signed **under oath**, and contain a **clear statement** of the alleged violation.

Initial review determines whether a complaint is **properly completed** and contains allegations that, **if true**, would **establish a violation** of the Ethics Act.

Complaint Procedures

If the attorney general **accepts** a complaint, the following may occur:

Investigation or Referral to Ethics Supervisor

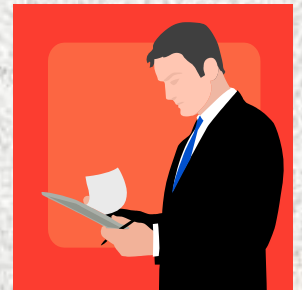
Finding of Probable Cause or Need for Corrective Action

Issuance of an Accusation and Public Hearing

Imposition of Penalties

A complaint and all information collected during any investigation are **confidential**, unless -

- the person named agrees to make the matter public
- the attorney general initiates formal proceedings.



Possible Remedies and Penalties

- ✘ Order to stop the action that violates the Ethics Act
- ✘ Order divestiture, blind trust, restitution, or forfeiture
- ✘ Recommend removal from commission
- ✘ Void any contract or require repayment of any loan received in violation of the Ethics Act
- ✘ Assess civil penalty of up to \$5,000 per violation
- ✘ Require payment of up to twice the financial benefit realized from the violation
- ✘ Criminal sanctions



Cautions

- If you're unsure, ask.
- Err on the side of over-reporting.
- The language of the Ethics Act governs.



Your Responsibilities

All Public Officers must:

- Understand and comply with the Ethics Act.
- Report ALL potential violations.
- Refrain from retaliating against anyone who reports a violation.
- Take advantage of the reporting channels available to resolve issues of concern.
- Cooperate fully with any investigation of a suspected violation.

A cartoon illustration of a yellow dinosaur, possibly a T-Rex, standing on a brown, hilly landscape. The dinosaur is facing left, with its head turned slightly towards the viewer. It has a large, jagged yellow shape on its back, which appears to be a large, stylized letter 'E' or a similar shape. The text 'THE END!' is written in a bold, blue, serif font across the middle of the dinosaur's body. The background features a large, snow-capped mountain range under a light blue sky. The overall style is simple and colorful, typical of a children's book or a cartoon. The dinosaur's legs are visible, and it appears to be standing on a path or a clearing. The hills in the foreground are brown and have some darker brown lines indicating ridges or valleys. The mountains in the background are light blue and white, with some darker blue lines indicating rocky outcrops or snow patches. The sky is a solid light blue color.

THE END!